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Attorneys for Defendants  
CITY AND COUNTY OF SAN FRANCISCO,  
PAUL MIYAMOTO IN HIS OFFICIAL CAPACITY AS  
SAN FRANCISCO SHERIFF,

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JOSHUA SIMON, DAVID BARBER, AND  
JOSUE BONILLA, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED, DIANA BLOCK,  
AN INDIVIDUAL AND COMMUNITY  
RESOURCE INITIATIVE, AN  
ORGANIZATION,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, PAUL MIYAMOTO, IN HIS  
OFFICIAL CAPACITY AS SAN  
FRANCISCO SHERIFF,

Defendants.

Case No. 22-cv-05541-JST

**[PROPOSED] ORDER GRANTING MOTION  
TO DISMISS THE COMPLAINT (ECF 1-1)**

Judge: Honorable Jon S. Tigar  
Courtroom: Courtroom 6, 2nd Floor  
Hearing Date: January 19, 2023  
Time: 2:00 p.m.

Trial Date: Not Set

**[PROPOSED] ORDER**

On October 17, 2022, Defendants the City and County of San Francisco and Paul Miyamoto, in his official capacity as San Francisco Sheriff, filed a Motion to Dismiss the Complaint under Federal Rules of Civil Procedure, Rules 8 and 12(b)(6).

After full consideration of the moving, opposition, and reply papers filed by the parties, the arguments of counsel, and all other matters presented to the Court, the Court GRANTS the Motion to Dismiss with respect to all claims and causes of action asserted against Defendants because Plaintiffs' allegations fail to state a claim on which relief may be granted. IT IS HEREBY ORDERED that:

- i. Defendants' Motion to Dismiss is GRANTED in its entirety;
- ii. Plaintiffs' Complaint is hereby DISMISSED with prejudice; and
- iii. The Clerk of the Court shall enter judgment in Defendants favor.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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HONORABLE JON S. TIGAR  
United States District Judge